

Applicant or Patentee: University of Iowa Research Foundation

Attorney: EHM

Appl. or Patent No.: not yet assigned

Docket No: UIOWA-0011

Filed or Issued: filed herewith

For: Purified Nitric Oxide Synthase

**Verified Statement (Declaration) Claiming Small Entity Status
(37 C.F.R. §§ 1.9(e) and 1.27(d)) – Nonprofit Organization**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION University of Iowa Research Foundation

ADDRESS OF ORGANIZATION 100 Oakdale Campus, Technology Innovation Center, Iowa City, Iowa 52242-5000

TYPE OF ORGANIZATION

☒ University or other institution of higher education

☐ Tax exempt under Internal Revenue Service Code (26 U.S.C. §§ 501(a) and 501(c)(3))

☐ Nonprofit scientific or educational under statute of state of The United States of America

(Name of state _____)

(Citation of statute _____)

☐ Would qualify as tax exempt under Internal Revenue Service Code (26 U.S.C. §§ 501(a) and 501(c)(3)) if located in The United

States of America

☐ Would qualify as nonprofit scientific or educational under statute of state of The United States of America if located in The United

States of America

(Name of state _____)

(Citation of statute _____)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. § 1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention entitled Purified Nitric Oxide Synthase by inventors John P. N. Rosazza and Yijun Chen described in

☒ the specification filed herewith

☐ application no. _____, filed _____

☐ patent no. _____, issued _____

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c) if that person made the invention, or by concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

NAME _____

ADDRESS _____

() INDIVIDUAL

() SMALL BUSINESS CONCERN

() NONPROFIT ORGANIZATION

NAME _____

ADDRESS _____

() INDIVIDUAL

() SMALL BUSINESS CONCERN

() NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Bruce W. Wheaton

Secretary & Executive

TITLE IN ORGANIZATION Director, University of Iowa Research Foundation

ADDRESS OF PERSON SIGNING 100 Oakdale Campus, Technology Innovation Center, Iowa City, Iowa 52242-5000

SIGNATURE [Signature]

DATE 8/2/96

FLESHNER & MCCONATHY PLLC

1360 Heritage Oak Way • Reston, VA 22094 • (703) 904-9313



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Declaration Not Accompanying Application)

John P.N. Rosazza, a citizen of The United States of America and Yijun Chen, a citizen of Peoples Republic of China, and residents of Iowa City, with post office addresses of 453 Linder Road, Iowa City, Iowa 52240 and 415 Hawkeye Court, Iowa City, Iowa 52246, respectively; declare that on January 5, 1999, they filed Application Serial No. 09/225,426, in the United States Patent and Trademark Office, that they verily believe themselves to be the original, first and joint inventors of the improvements in a PURIFIED NITRIC OXIDE SYNTHASE described and claimed in the specification of said application for patent; that this application in part discloses and claims subject matter disclosed in our earlier filed pending provisional application Serial No. 08/675,821 filed July 5, 1996; that they acknowledge their duty to disclose information of which they are aware which is material to the examination of this application, that, as to the subject matter of this application which is common to said earlier application they do not know and do not believe that the same was ever known or used in the United States of America before their invention thereof or patented or described in any printed publication in any country before their invention therefor more than one year prior to said earlier application, or in public use or on sale in the United States of America more than one year prior to said earlier application; that said common subject has not been patented or made the subject of an inventor's certificate issued before the date of said earlier application in any country foreign to the United States of America on an application filed by them or their legal representatives or assigns more than twelve months prior to said earlier application; that they have reviewed and understand the contents of this specification including the claims, as amended by any amendment specifically referred to in the oath or declaration; that they acknowledge the duty to disclose to the Office all information known to them to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56(a); that they acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which occurred between the filing date of the prior application and filing date of the present continuation-in-part application which discloses and claims subject matter in addition to that disclosed in the prior application; and that no application for patent or inventor's certificate on this invention has been filed by them, their legal representatives or assigns

in any country foreign to the United States of America except as identified below:

[NONE]

that as to the subject matter of this application which is not common to said earlier application, they do not know and do not believe that the same was ever known or used in the United States of America before their invention thereof or patented or described in any printed publication in any country before their invention thereof, or more than one year prior to the date of this application, or in public use or on sale in the United States of America more than one year prior to the date of this application, and that said subject matter has not been patented or made the subject of any inventor's certificate issued in any country foreign to the United States of America on an application filed by them or their legal representatives or assigns more than twelve months prior to the date of this application; and that no application for patent or inventor's certificate on said invention has been filed by them or their representatives or assigns in any country foreign to the United States of America, except as follows:

[NONE].

And we hereby appoint ZARLEY, McKEE, THOMTE, VOORHEES & SEASE, comprising Donald H. Zarley, Registration No. 18,543; Bruce W. McKee, Registration No. 19,651; Dennis L. Thomte, Registration No. 22,497; Michael G. Voorhees, Registration No. 25,715; Edmund J. Sease, Registration No. 24,741; Mark D. Hansing, Registration No. 30,643; Kirk M. Hartung, Registration No. 31,021; Daniel J. Cosgrove, Registration No. 36,770; Michael R. Crabb, Registration No. 37,298; Heidi S. Nebel, Registration No. 37,719; Wendy K. Marsh, Registration No. 39,705; Jeffrey D. Harty, Registration No. 40,639; James A. Napier, Registration No. 42,025; and Mark Ziegelbein, Registration No. 43,307; 801 Grand Avenue, Suite 3200, Des Moines, Iowa 50309, Telephone 515-288-3667, our attorneys to prosecute this application and to transact all business in the Patent Office connected therewith.

The undersigned petitioners further declare that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize

the validity of the application of any patent issuing thereon.

Date: 3/11/99

John P. Rosazza
John P.N. Rosazza

Date: 3/16/99

Yijun Chen
Yijun Chen